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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,854	03/26/2001	Heimo Pentikainen	602.342USW1	8496
32294	7590	04/22/2004	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			FERGUSON, KEITH	
14TH FLOOR			ART UNIT	
8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2683	12

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,854

Applicant(s)

PENTIKAINEN ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "**said,**" should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents

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that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of

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the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international

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application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (k) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15,16,18-21,23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda (EP 0831664 A2) in view of Vitikainen.

Regarding claim 15, Beyda discloses a method (fig. 2) for transmitting the status data of an answering service (voice message service) comprised in a local exchange (LE) (private branch exchange) (PBX) in a telecommunication system (col. 2 line

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24 through col. 4 line 20) comprising a local exchange (private branch exchange) (PBX) (LE) (fig. 1 number 44), an answering service (voice message service) connected to the local exchange (fig. 1 numbers 42 and 44), an access node (AN) (fig. 1 number 22) connected to the local exchange (fig. 1), a wireless communication system (WLL) (fig. 1 number 30) connected to the access node (fig. 1 number 22) and a telecommunication terminal (MS) (cellular telephone) (fig. 1 number 12) connected via the wireless communication system) (fig. 1 number 30) to the access node (fig. 1 number 22), c h a r a c t e r i s e d in that a port-specific connection is set up from the access node (AN) to the local exchange (LE) by opening an audio channel (i.e. a voice message is held within the mailbox of the PBX, the user is automatically contacted, and the voice message within an audio channel is transferred to the cellular telephone) from the access node to the local exchange (col. 3 lines 4-26), the status (voice message waiting status) of the answering service (voice message) (1) is verified in the access node (AN) on the basis of a signal given by the local exchange and based on the status of the answering service (1) (col. 3 line 15 through col. 4 line 20), an announcement is sent from the access node (AN) to the telecommunication terminal (MS) (col. 4 lines 10-20). Beyda differs from claim 15 of the present invention in that it does

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not disclose the status of the answering service is verified in the access node on the basis of a signal tone given by the local exchange and based on the status of the answering service.

Vitikainen teaches the status of a voice message is verified on the basis of a signal tone given by the local exchange (exchange) and based on the status of an answering service (voice mail unit) (col. 1 lines 56-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda method with the status of the answering service is verified in the access node on the basis of a signal tone given by the local exchange and based on the status of the answering service in order to provide the wireless communication system a message waiting tone to be sent to the cellular telephone so that the user of the cellular telephone to know that it has a voice message waiting, as taught by Vitikainen.

Regarding claims 16 and 21, Beyda discloses an announcement regarding a message received in the answering service (1) is sent to the telecommunication terminal (MS) (col. 4 lines 10-20).

Regarding claims 18 and 23, Beyda discloses the status of the answering service (voice message) is verified at

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predetermined points of time (col. 3 line 28 through col. 4 line 9).

Regarding claims 19 and 24, Beyda discloses the status of the answering service (voice message) is verified in conjunction with a call event (i.e. enter a code) on the telecommunication terminal (MS) (col. 4 lines 10-25).

Regarding claim 20, Beyda discloses a system (fig. 1) for transmitting the status data of an answering service (voice message service) comprised in a local exchange (LE) (private branch exchange) (PBX) in a telecommunication system (col. 2 line 24 through col. 4 line 20) comprising a local exchange (private branch exchange) (PBX) (LE) (fig. 1 number 44), an answering service (voice message service) connected to the local exchange (fig. 1 numbers 42 and 44), an access node (AN) (fig. 1 number 22) connected to the local exchange (fig. 1), a wireless communication system (WLL) (fig. 1 number 30) connected to the access node (fig. 1 number 22) and a telecommunication terminal (MS) (cellular telephone) (fig. 1 number 12) connected via the wireless communication system (fig. 1 number 30) to the access node (fig. 1 number 22), characterised in that a port-specific connection is set up from the access node (AN) to

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the local exchange (LE) by opening an audio channel (i.e. a voice message is held within the mailbox of the PBX, the user is automatically contacted, and the voice message within an audio channel is transferred to the cellular telephone) from the access node to the local exchange (col. 3 lines 4-26), the status (voice message waiting status) of the answering service (voice message) (1) is verified in the access node (AN) on the basis of a signal given by the local exchange and based on the status of the answering service (1) (col. 3 line 15 through col. 4 line 20), an announcement is sent from the access node (AN) to the telecommunication terminal (MS) (col. 4 lines 10-20). Beyda differs from claim 20 of the present invention in that it does not disclose the status of the answering service is verified in the access node on the basis of a signal tone given by the local exchange and based on the status of the answering service. Vitikainen teaches the status of a voice message is verified on the basis of a signal tone given by the local exchange (exchange) and based on the status of an answering service (voice mail unit) (col. 1 lines 56-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda system with the status of the answering service is verified in the access node on the basis of a signal tone given by the local exchange and based on the status

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of the answering service in order to provide the wireless communication system a message waiting tone to be sent to the cellular telephone so that the user of the cellular telephone to know that it has a voice message waiting, as taught by Vitikainen.

4. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda (EP 0831664 A2) in view of Vitikainen as applied to claims 15 and 20 above and in further view of Gallant et al..

Regarding claims 17 and 22, the combination of Beyda and Vitikainen differs from claims 17 and 22 of the present invention in that they not explicit disclose the announcement to the telecommunication terminal (MS) is sent in the form of a short message (SMS). Gallant et al. teaches a notification (announcement) to a personal communication device (PCD) is sent in the form of a short message (SMS) (col. 4 lines 44-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Beyda and Vitikainen with the announcement to the telecommunication terminal (MS) is sent in the form of a short message (SMS) in order for the mobile station to receive short

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alphanumeric message that a voice message is waiting to be displayed on the cellular telephone display, so that the user of the cellular telephone can retrieve it voice message, as taught by Gallant et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Keith Ferguson

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March 3, 2004

A handwritten signature in black ink, appearing to read 'Keith Ferguson', written over the printed name.